



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory (Prob. C. 10400-10406, 10954, 11600-11642)

DOD: 07/23/10		MICHAEL TARASEVIC , Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				CONTINUED MULTIPLE TIMES	
		I & A - \$135,867.00		Minute Order from 11/09/12 states: Counsel informs the Court that they will be selling the house and liquidating. In addition, they will be paying the creditor.	
		POH - \$135,867.00		Minute Order from 10/05/12 states: Counsel informs Court that the waivers were filed today. She further advises that a letter was sent to the Franchise Tax Board in March.	
Cont. from 112811, 022712, 040912, 080712, 100512, 110912, 021113		Executor - waives		See Page 3B for Report of Sale and Petition for Order Confirming Sale of Real Property.	
Aff.Sub.Wit.		Distribution, pursuant to decedent's Will, is to:		As of 03/04/13, nothing further has been filed and the following issues remain:	
✓	Verified	Michael Tarasevic - \$58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck		1. The Petition states that all debts of the decedent have been paid, however, a Creditor's Claim in the amount of \$52,340.63 was filed by California Business Bureau for Community Medical Center on 11/02/10. The Petition states that no action has been taken on this claim at this time, therefore this debt has not been resolved. An Allowance or Rejection of Creditor's Claim was filed on 06/04/12 allowing the claim in the amount of \$24,689.09. Nothing further has been filed regarding this outstanding debt. <u>Distribution of estate assets cannot be made until all debts of the estate have been resolved.</u>	
✓	Inventory	Anthony Tarasevic - \$58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck			
✓	PTC				
✓	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters	11/30/10			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 03/04/13	
	UCCJEA			Updates:	
	Citation			Recommendation:	
✓	FTB Notice			File 3A - Tarasevic	

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 07/23/10		MICHAEL JAMES TARASEVIC , Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				<u>CONTINUED FROM 02/11/13</u>	
		Sale price - \$116,000.00		As of 03/04/13, nothing further has been filed and the following comments remain: 1. Petitioner calculation of the overbid amount appears to be incorrect. The Examiner calculates the correct overbid amount to be \$122,300.00. 2. The petition states that the property was reappraised for sale with a value of \$118,000.00; however, no Inventory & Appraisal (Reappraisal for Sale) has been filed confirming the reappraisal amount. Need Revised Inventory & Appraisal.	
		Overbid - \$122,750.00			
Cont. from 021113		Reappraisal - \$118,000.00			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory	x	Property - 3522 W. Dayton Fresno, CA 93722		
	PTC				
	Not.Cred.		Publication - The Business Journal		
✓	Notice of Hrg				
✓	Aff.Mail	w/	Buyers - Michael R. and Susan F. McClure		
✓	Aff.Pub.				
	Sp.Ntc.		Broker - \$6,960.00 (3% to Kent Oliver, Valley Partners and 3% to Ann M. Lee, Universal Lending & Realty)		
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
✓	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 03/04/13	
				Updates:	
				Recommendation:	
				File 3B - Tarasevic	

Atty Bagdasarian, Gary G. (for Petitioner Ronald J. Bryant, Conservator)
 Atty Wright, Janet L. (Court-appointed for Conservatee)

**First Account Current and Report of Conservator; Petition for Allowance of
 Conservator and Attorney's Fees; and for Reimbursement of Costs to Attorney
 (Probate code 2620, 2623 & 2640)**

DOD: 1/31/2013		RONALD J. BRYANT , son and Conservator of the Person and Estate appointed 12/14/2011, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 021113		Account period: 12/14/2011 - 11/13/2012	<u>Continued from 2/11/2013.</u> Minute Order states the Court is informed that Ms. Bryant passed away on 1/31/2013. Matter continued to 3/11/2013.
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$55,812.73	
<input checked="" type="checkbox"/>	Verified	Beginning POH - \$37,600.00	Note: Court will set status hearing as follows:
<input checked="" type="checkbox"/>	Inventory	Ending POH - \$51,617.35 (\$51,517.35 is cash)	
<input type="checkbox"/>	PTC		<ul style="list-style-type: none"> Friday, April 26, 2013 at 9:00 a.m. in Dept. 303 for filing of the final account and termination of proceedings for the deceased Conservatee.
<input type="checkbox"/>	Not.Cred.	Conservator - \$139.50 (per itemizations on Exhibits A, B, C, D, E; for 9.30 hours @ \$15/hour)	
<input checked="" type="checkbox"/>	Notice of Hrg		Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	Attorney - \$17,125.00 (per Declaration filed 1/3/2013, itemized on Exhibits A, B, C, D, E; for 68.50 hours @ \$250/hour)	Reviewed by: LEG Reviewed on: 3/4/13 Updates: Recommendation: File 4 – Bryant
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Attorney Costs - \$1,385.00 (filing fees, publication for sale, process server)	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	Petitioner states:	
<input type="checkbox"/>	Objections	<ul style="list-style-type: none"> Conservatee was a Defendant in an interpleader action (Case 10CECL12525) in which \$18,208.42 in undistributed surplus proceeds of a Trustee's sale were deposited with the Court, and following the Attorney's submission of a claim and attendance at hearing, the Court ordered after the judicial foreclosure that the surplus funds be distributed to the Conservatorship estate. Conservatee inherited a 1/4 interest in real property in Santa Maria, and following Order Confirming Sale of Real Property issued 9/25/2012, sale was consummated and proceeds of \$36,491.12 were deposited into the Conservatorship estate's blocked account. 	
<input checked="" type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
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~Please see additional page~			

Petitioner requests the following amounts be paid from the blocked account:

1. **\$400.00** to Court Investigator's Department (*refer to Exhibit A*); and
2. **\$100.00** to George Montgomery for preparation of the accounting (*refer to Exhibit B*).

Note: Ex Parte Order for Withdrawal of Funds from Blocked Account filed 2/22/2013 authorizes **\$3,215.36** to be withdrawn from the Conservatorship account for payment to Santa Maria Cemetery for burial expenses.

Note: Notice to Director of Health Care Services under Probate Code §§ 215 and 9202 was filed 2/25/2013.

Atty Jaech, Jeffrey A. (for Ben H. Smith – Conservatee)

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Person and Estate)

Motion for Clarification of Order

Age: 85		BENJAMIN H. SMITH , Conservatee, is Petitioner. Petitioner states: 1. Under the Advanced Health Care Directive of Benjamin H. Smith ("Ben"), dated 06/17/11, Michael H. Smith, Jr. ("Butch") was designated as Ben's agent. Butch is Ben's grandson. 2. Butch had accepted his appointment as Ben's agent and had been so acting. 3. As a result of a petition for conservatorship of Ben's person and estate filed by Michael H. Smith, Sr. ("Mike") and Jenna R. Smith ("Jenna"), this court issued a minute order on 01/18/13 and a written order on 02/13/13. The order appoints the Fresno County Public Guardian as conservator of the person and estate of Ben. 4. Since 01/18/13, the Public Guardian and its legal counsel have insisted that the Public Guardian has exclusive authority to make health care decisions for Ben even though Ben named Butch as his agent under the Advanced Health Care Directive. Butch contends that as Ben's agent, he has priority under Probate Code § 4685 over any other person, including the conservator of Ben's person in making health care decisions for Ben. 5. Probate Code § 4685 provides as follows: Unless the power of attorney for health care provides otherwise, the agent designated in the power of attorney who is known to the health care provider to be reasonably available and willing to make health care decisions has priority over any other person in making health care decisions for the principal. Continued on Page 2	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
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<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: JF
Reviewed on: 03/05/13
Updates:
Recommendation:
File 5 - Smith

6. The Law Revision Commission Comments for the 1999 addition to Probate Code § 4685 provides in relevant part, "This section gives the agent the priority over others, including a conservator or statutory surrogate, to make health care decisions if the agent is known to the health care provider to be available and willing to act." The Comments also state that the rule of Section 4685 is subject to a contrary court order under Probate Code § 4766.
7. Probate Code § 4766(d) provides that a petition may be filed seeking an order declaring that the authority of an agent is terminated upon a determination by the court of both of the following:
 - (1) The agent...has violated, has failed to perform, or is unfit to perform, the duty under an advance health care directive to act consistent with the patient's desires or, where the patient's desires are unknown or unclear, is acting (by action or inaction) in the manner that is clearly contrary to the patient's best interest.
 - (2) At the time of the determination by the court, the patient lacks a capacity to execute or revoke an Advance Health Care Directive...Notice of the time and place of the hearing, together with a copy of the petition, must be served on the agent (Pr. C § 4769).
8. No § 4766 petition has been filed relating to Ben's advance health care directive, no notice of a request to terminate the agent's authority was given to Butch and the required findings were not made by the court.
9. Absent a court order under § 4766, the commentators mimic the rule stated in the Law Revision Commission Comments. "If a valid power of attorney for health care is in effect, unless the power or attorney provides otherwise, the agent under that power has priority over any other person in making health care decisions for the principal, including a conservator of the person, even if given medical consent powers." 1 *California Conservatorship Practice* (CEB 2012) Section 13.27.

The agent named in the power of attorney for health care (PAHC) has priority over all others, including the conservator, to act for the principal in all matters relating to health care decisions.... California legislatures have recognized that decisions about one's medical care are highly personal and should not be compromised. This policy decision is reflected in the high priority given to an agent for a PAHC by the Probate Court. *California Powers of Attorney and Health Care Directives* (CEB 2012) Section 2.29. "Unlike an agent under a [durable power of attorney], an agent under a PAHC has priority over the conservator of the person in making health care decisions when both the conservatorship exists and a PAHC has been executed." *Ibid.* at § 7.47.
10. The Public Guardian contends that its authority as conservator of the person trumps Butch's authority under the Advanced Health Care Directive, based on this court's order at the 01/18/13 hearing. However, at that time, there was no petition pending under Section 4766.
11. Attorney Jaech believes that Butch has been acting as Ben's agent in Ben's best interest. Because of his love and concern for, and experience with, his grandfather, Mr. Jaech believes he is better suited to make health care decisions for him than the Public Guardian.

Therefore, to resolve this conflict between the agent and the conservator of the person, it is requested that the court clarify its orders to state that the agent under the Advanced Health Care Directive has priority to make health care decisions, unless and until a successful petition is brought under Probate Code § 4766, and a court order to the contrary is issued.

Atty Macias, Alexandra (pro per – paternal aunt/Petitioner)

Atty Neumann, Dallas (for Kristina Knobloch – mother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2 **TEMPORARY EXPIRES 03/11/13** **NEEDS/PROBLEMS/COMMENTS:****ALEXANDRA MACIAS**, paternal aunt, is Petitioner.Father: **PHILLIP JIMENEZ**Mother: **KRISTINA KNOBLOCH** – personally served on 11/30/12Paternal grandfather: NOT LISTED
Paternal grandmother: AMANDA CULVER – served by mail on 11/29/12Maternal grandfather: NOT LISTED
Maternal grandmother: TERRI JOHNSON – served by mail on 11/29/12**Petitioner alleges** that both parents have substance abuse issues. The mother is in recovery at this time, but guardianship is needed to ensure Gracie's safety and stability.**Court Investigator Samantha Henson filed a report on 11/27/12.**

Continued on Page 2

CONTINUED FROM 12/05/12

Minute Order from 12/05/12 states: Matter continued to 03/11/13. The temporary is extended to 03/11/13. Counsel informs the Court that mother is willing to test randomly at the request of the guardian and will also pay for the expenses of testing. The Court orders testing as agreed upon by the parties. The Court directs counsel to prepare an order and include the visitation that was agreed upon.

As of 03/05/13, the following items remain:

1. Need proof of personal service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian or Consent & Waiver of Notice or Declaration of Due Diligence* for:
 - Phillip Jimenez (father)
2. Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian or Consent & Waiver of Notice or Declaration of Due Diligence* for:
 - Paternal grandfather
 - Maternal grandfather

Reviewed by: JF**Reviewed on:** 03/05/13**Updates:****Recommendation:****File 6 - Jimenez**

Declaration of Mother, Kristina Knobloch, in Opposition to Petition for Appointment of Guardian filed 11/26/12 states: She has completed a six-month outpatient drug rehab program and continues to voluntarily participate in classes with the rehab program and attend AA/NA meetings. She is also attending a DUI program that was court ordered as a result of DUI's she received in 2006. She further states that she has a two bedroom apartment and the second bedroom is set up for Gracie. She states that she is a wonderful mother and that Gracie is very bonded to her. She states that she and the father are no longer in a romantic relationship, but they have maintained an amicable relationship for Gracie's sake. Also, she and the guardian are very civilized with each other and have been working together regarding visitation. She requests that the general guardianship be denied.

Petitioner's Response to Kristina Knobloch's Declaration in Opposition to Guardianship filed 12/04/12 states: she is very happy that Kristina appears to be clean & sober and doing well, however, she still has concerns due to her long history of treatment and subsequent relapse. Petitioner also is concerned that Kristina last drug tested on 06/11/12 and requests that the court order a more current drug test in order to ensure her sobriety.

Further, Petitioner states that Gracie has lived with her for the past 11 months and they are very bonded. Gracie calls Petitioner mom and to Gracie, the Petitioner is another mom. Petitioner states that she does not believe it is in Gracie's best interest to live with her mother full-time. Petitioner states that she has always had Gracie's best interest at heart. If the court decides not to grant the guardianship, Petitioner asks the court to consider a transition period so that Gracie has time to properly adjust to new living arrangements. Further, when the transition is complete, Petitioner requests that she have visitation 2 weekends per month. Lastly, Petitioner states that she feels that the most important word has been left out of the court documents and that is love. Petitioner states that she loves Gracie and Gracie loves her. Petitioner wants what is best for Gracie and she is extremely concerned about her long-term care. All Petitioner wants is for Gracie to be safe and loved.

DOB: 10/25/2012		ANTHONY P. COELHO III, KRISTEN M. SUSOEV and LESLIE C. WALTERS, children/named co-executors without bond, are petitioners. Full IAEA – o.k. Will dated: 11/16/1999 Residence: Fresno Publication: The Business Journal <u>Estimated value of the Estate:</u> Real Property - \$560,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>Note: If the petition is granted status hearings will be set as follows:</u> • Friday, 08/09/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 05/09/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from			
Aff.Sub.Wit.	s/p		
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			
✓ Aff.Pub.	w/		
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LV
Reviewed on: 03/05/2013
Updates:
Recommendation: Submitted
File 9 - Coehlo

DOD: 1-15-09		JOE HOGG , Son, is Petitioner and requests appointment as Administrator and as Special Administrator with Full IAEA and with bond of \$130,000.00. Full IAEA – need publication Decedent died intestate Residence: Fresno Publication: need publication Estimated value of estate: Personal property: \$130,000.00 Probate referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 4-11-13</u> Per petitioner request 1. Need clarification: Petitioner includes a request for Special Administration, but with general powers, and does not clarify the purpose of the proposed special administration. 2. Petitioner does not state the relationships of the persons listed at #8 to the decedent. 3. Need date of death of the decedent's deceased spouse (Local Rule 7.1.1.D). 4. Need Confidential Supplement to Duties (DE-147S). 5. Need Notice of Petition to Administer Estate (DE-121). 6. Need proof of service of Notice of Petition to Administer Estate on relatives listed in #8 at least 15 days prior to the hearing per Probate Code §8110. 7. Need publication per Probate Code §8120. The publication should include the powers requested (such as IAEA language).
Cont. from 020413			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.	X	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	X	
<input checked="" type="checkbox"/>	Duties/Supp	X	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc Reviewed on: 3-5-13 Updates: Recommendation: File 13 - Crenshaw